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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA (SAN DIEGO)

12 MILLENNIUM LABORATORIES,
13 INC.,

14 Plaintiff,

15 v.

16 DARWIN SELECT INSURANCE
17 COMPANY,

18 Defendant.

19 DARWIN SELECT INSURANCE CO.,
20 and

21 ALLIED WORLD ASSURANCE
22 COMPANY (U.S.) INC.

23 Counterclaim plaintiffs,

24 v.

25 MILLENNIUM LABORATORIES,
26 INC.,

27 Counterclaim defendant.

Case No. 3:14-CV-00295-BAS-JLB

**JOINT MOTION TO DISMISS
WITH PREJUDICE**

28 In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff
and Counterclaim Defendant Millennium Laboratories, Inc. ("Millennium"),
Defendant and Counterclaim Plaintiff Darwin Select Insurance Company
("Darwin"), and Counterclaim Plaintiff Allied World Assurance Company (U.S.)

1 Inc. (“AWAC”) (collectively, the “Parties”) file this Joint Motion to Dismiss the
2 above-referenced action with prejudice, and request that the Court dismiss all of the
3 claims Millennium asserted against Darwin, and all of the counterclaims Darwin and
4 AWAC asserted against Millennium in the action with prejudice and without costs.
5 Each party to bear its own costs.

6
7 Dated: June 1, 2018

ABELSON HERRON HALPERN LLP

8
9 /s/ Marc D. Halpern

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15 Attorneys for Plaintiff and
16 Counterclaim Defendant Millennium
17 Laboratories, Inc.

1 Dated: June 1, 2018

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13 Counterclaim Plaintiff Darwin Select
14 Insurance Company and
15 Counterclaim Plaintiff Allied World
16 Assurance Company (U.S.) Inc.
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CERTIFICATE OF SERVICE

I, Marc D. Halpern hereby certify that on June 1, 2018, the foregoing **JOINT MOTION TO DISMISS WITH PREJUDICE** was filed electronically with the Clerk of the Court using the CM/ECF system, which sent a Notification of Electronic Filing to the persons at the email addresses listed immediately below. The foregoing document is available for viewing and downloading from the CM/ECF system. Accordingly, pursuant to the Court's Local Rule 5.4(c), I caused the documents to be sent electronically from the CM/ECF system to the persons listed immediately below.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on June 1, 2018, at San Diego, California.

/s/ Marc D. Halpern
Marc D. Halpern